

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1908

Introduced by Assembly Member Canciamilla

February 9, 2004

An act to amend ~~Section 10011~~ *Sections 31053 and 31054* of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as amended, Canciamilla. ~~California Water Plan~~
Recycled water.

Existing law, except as specified, prohibits a publicly owned utility from commencing to provide any service for, on, or to any land within a county water district (1) that is subject to the lien of a general obligation bonded indebtedness or that was the subject of a lease-purchase, revenue, or other type of debt incurred for capital improvements by or on behalf of the district incurred by the district for the purpose of providing a service similar to that which the utility proposes to provide, or (2) that is subject to a lien of an indebtedness arising under any contract between the district and the United States of America incurred or contracted by the district for the purpose of providing similar water service, if $\frac{2}{3}$ of the voters voting at an election within the district have approved the incurrence of the indebtedness and if that district has water available and is ready, able, and willing to serve that land.

Under this bill, for those described purposes, the service of recycled water, as defined, for any nonpotable use would not be a 'service similar

to the service of potable, raw, or untreated water or a "similar water service" to the service of potable, raw, or untreated water.

~~Existing law requires the Department of Water Resources to update every 5 years the plan for orderly and coordinated protection, conservation, development, and use of the water resources of the state, known as the California Water Plan. Existing law requires the Director of Water Resources to conduct at least one public hearing in the Sacramento-San Joaquin Delta in connection with the preparation of the plan.~~

~~This bill would require the department to conduct at least one public hearing in the delta in connection with the updating, modification, or revision of the plan.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 10011 of the Water Code is amended to~~
- 2 ~~SECTION 1. The Legislature finds and declares all of the~~
- 3 ~~following:~~
- 4 ~~(a) California is experiencing a substantial statewide water~~
- 5 ~~shortage.~~
- 6 ~~(b) The state's population is growing by approximately 750,000~~
- 7 ~~people a year, and is expected to approach 50 million by 2020.~~
- 8 ~~(c) This boom in population will nearly double the demand for~~
- 9 ~~water supply in urban areas by 2020, compounding the shortage~~
- 10 ~~problem.~~
- 11 ~~(d) The state needs to take action that will help alleviate these~~
- 12 ~~problems by expanding options for securing water supply.~~
- 13 ~~(e) The state has a tremendous capacity to use reclaimed water~~
- 14 ~~for a range of uses.~~
- 15 ~~(f) The Legislature has established a goal for water recycling~~
- 16 ~~in the state of reclaiming and reusing one million acre-feet~~
- 17 ~~annually by 2010.~~
- 18 ~~(g) It is the intent of the Legislature to encourage the use of~~
- 19 ~~recycled water for nonpotable uses as a cost-effective, reliable~~
- 20 ~~method of helping to meet this state's water supply needs.~~
- 21 ~~SEC. 2. Section 31053 of the Water Code is amended to read:~~
- 22 ~~31053. (a) No publicly owned utility shall commence to~~
- 23 ~~provide any service for, on, or to any land within a county water~~

1 district ~~which~~ *that* is subject to the lien of a general obligation
2 bonded indebtedness or ~~which~~ *that* was the subject of a
3 lease-purchase, revenue, or other type of debt incurred for capital
4 improvements by or on behalf of the district incurred by the district
5 for the purpose of providing a service similar to that which the
6 utility proposes to provide.

7 However, a publicly owned utility may commence to provide
8 service, otherwise prohibited, upon either of the following
9 conditions:

10 ~~(a)~~

11 (1) If the board of directors of the county water district, by
12 resolution, permits the service.

13 ~~(b)~~

14 (2) In any portion of such a county water district proposed to
15 be served by the publicly owned utility in which the total number
16 of registered voters residing therein exceeds 200, if at least
17 two-thirds of the voters voted at a special county water district
18 election to permit the service. The election shall be called and held
19 as an initiative measure pursuant to Section 30830.

20 (b) *For purposes of this section, the service of recycled water,*
21 *as defined in subdivision (n) of Section 13050, for any nonpotable*
22 *use is not a “service similar to” the service of potable, raw, or*
23 *untreated water.*

24 SEC. 3. Section 31054 of the Water Code is amended to read:

25 31054. (a) No publicly owned utility shall commence to
26 provide any water service for, on, or to any land within a county
27 water district ~~which~~ *that* is subject to a lien of an indebtedness
28 arising under any contract between the district and the United
29 States of America incurred or contracted by the district for the
30 purpose of providing *similar* water service, ~~provided if~~ two-thirds
31 of the voters voting at an election within the district have approved
32 the incurrence of the indebtedness and, ~~provided further, that if~~ the
33 district has water available and is ready, able, and willing to serve
34 ~~such~~ *that* land.

35 However, a publicly owned utility may commence to provide
36 service, otherwise prohibited, upon either of the following
37 conditions:

38 ~~(a)~~

39 (1) If the board of directors of such a county water district shall
40 by resolution permit such service; or

~~(b)~~

(2) In any portion of ~~such~~ a county water district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein exceeds 200, and in which at least a majority of the voters voting on the proposition shall have voted at a special county water district election to permit ~~such that~~ service within that portion of the district. The election shall be called and held within that portion of the district as an initiative measure pursuant to Section 30830.

(b) For purposes of this section, the service of recycled water, as defined in subdivision (n) of Section 13050, for any nonpotable use is not a "similar water service to" the service of potable, raw, or untreated water.

SEC. 4. This act does not alter any right, remedy, or obligation that exists pursuant to Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code or Article 1.5 (commencing with Section 1210) of Chapter 1 of Part 2 of Division 2 of the Water Code.

~~read:~~

~~10011. (a) In preparing, updating, modifying, or revising the California Water Plan, the director shall conduct at least one public hearing within the boundaries of the Sacramento-San Joaquin Delta, and shall solicit the comments of water agencies within the delta, agricultural groups representative of delta agricultural activity, environmental groups concerned with protecting delta wildlife habitat, and groups representative of those who utilize water exported from the delta.~~

~~(b) The California Water Plan shall include a discussion of various alternatives, including their advantages and disadvantages, for improving and protecting the current uses and configuration of the Sacramento-San Joaquin Delta.~~

~~(c) Subdivisions (a) and (b) shall be implemented only to the extent money is appropriated in the annual Budget Act to carry out this section.~~